
HOUSE BILL No. 1212

DIGEST OF INTRODUCED BILL

Citations Affected: IC 36-8-16.

Synopsis: Emergency telephone system fee. Provides that a county and a second class city in the county may enter into: (1) an interlocal cooperation agreement; or (2) a joint agreement; for the operation of an enhanced emergency telephone system in the county. Provides that an agreement may provide that a public safety answering point (PSAP) operated by the second class city will serve one or more areas within the county but outside the second class city. Provides that an existing agreement between a county and a second class city is valid and enforceable until it is: (1) terminated by the parties; or (2) modified by or replaced with an agreement authorized by this bill. Allows a second class city that operates a PSAP that serves areas outside the city to impose a countywide fee to fully fund the operation of the PSAP in the county. Provides that a countywide fee imposed by a second class city: (1) may not exceed 10% of the average monthly telephone access line charge in the county; and (2) may be imposed in addition to, or in place of, a countywide fee imposed by the county. Provides that a countywide fee imposed by a second class city may be imposed on telephone exchange access facilities that are: (1) located outside the county in which the city is located; and (2) served by the city's PSAP. Allows a second class city to adopt an ordinance to impose a countywide fee at any time before or after the effective date of this bill. Sets forth the effective dates of ordinances adopted before, on, and after the effective date of this bill.

Effective: Upon passage; July 1, 2007.

Van Haaften

January 11, 2007, read first time and referred to Committee on Local Government.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

HOUSE BILL No. 1212

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 36-8-16-5 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec. 5. (a) Subject to the
3 limitations provided in section 6 of this chapter, the fiscal body of a
4 county may adopt an ordinance to impose a monthly enhanced
5 emergency telephone system fee for each exchange access facility used
6 in the county.

7 (b) If a county fiscal body decides to impose a countywide fee and
8 establish a countywide enhanced emergency telephone system, the
9 county shall allow all public emergency response agencies in the
10 county to participate in the enhanced emergency telephone system. The
11 fee must be sufficient to pay the cost of the installation and operation
12 of the enhanced emergency telephone system for all participating
13 agencies. **In addition, a county and a second class city in the county**
14 **may enter into:**

15 (1) **an interlocal cooperation agreement under IC 36-1-7; or**
16 (2) **a joint agreement;**
17 **for the operation of an enhanced emergency telephone system in**

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the county. An agreement described in subdivision (1) or (2) may provide that a PSAP (as defined in IC 36-8-16.5-13) operated by the participating second class city will serve one (1) or more areas in the participating county that are outside the second class city.

(c) If a county fiscal body does not impose a fee under subsection (a), the legislative body of a municipality in the county may petition the county fiscal body to adopt an ordinance to impose a fee. If the county fiscal body does not respond to the petition within ninety (90) days, the legislative body of the municipality may adopt an ordinance to impose a fee for each exchange access facility used in the municipality, subject to section 6 of this chapter. If a county, in response to a municipality's petition, decides to impose a countywide fee, installation of the system must begin within one hundred eighty (180) days of the adoption of the ordinance. If installation has not begun within that time period, the county's response is void and the municipality may adopt an ordinance to impose a fee.

(d) Except as provided in section 6.5 of this chapter, if a county fiscal body decides to impose a countywide fee after a municipality has imposed a fee, the municipality's fee ordinance is superseded by the county ordinance and is void. However, the fee imposed by the county must include funds sufficient to meet the outstanding obligations of the municipality for the enhanced 911 system.

SECTION 2. IC 36-8-16-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) An enhanced emergency telephone system fee must be uniform and may not vary according to the type of exchange access facilities used in the unit.

(b) The ordinance imposing a fee under section 5 of this chapter may not impose a fee that exceeds the following:

(1) Subject to section 6.5 of this chapter, in a county that has a consolidated city or a county that has at least one (1) second class city, three percent (3%) of the average monthly telephone access line charge in the unit.

(2) In a county that does not have a consolidated city or a second class city, ten percent (10%) of the average monthly telephone access line charge in the unit.

SECTION 3. IC 36-8-16-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6.5. (a) This section applies to a second class city that operates a PSAP (as defined in IC 36-8-16.5-13) that serves one (1) or more areas that are located:

(1) within the county in which the second class city is located; but

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(2) outside the second class city.

(b) Notwithstanding section 5(d) of this chapter, a second class city described in this section may adopt an ordinance to impose a countywide fee to fully fund the operation of the PSAP within the county. A countywide fee imposed by a second class city under this section:

(1) may not exceed ten percent (10%) of the average monthly telephone access line charge in the county; and

(2) may be imposed:

(A) in addition to a countywide fee imposed by the county under section 5(a) of this chapter; or

(B) in place of a countywide fee imposed by the county under section 5(a) of this chapter.

(c) A second class city that seeks to impose a countywide fee under this section is not required to petition the county fiscal body under section 5(c) of this chapter before imposing the countywide fee.

SECTION 4. IC 36-8-16-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. The fiscal body of a unit may adopt an ordinance to change the amount of the enhanced emergency telephone system fee that it imposed under section 5 or 6.5 of this chapter. However, the new fee must comply with the limitations provided in section 6 or 6.5 of this chapter. In addition, the fiscal body of a unit may not adopt more than one (1) ordinance in any calendar year to change the unit's fee.

SECTION 5. IC 36-8-16-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. The fiscal body of a unit may adopt an ordinance to rescind the enhanced emergency telephone system fee that it imposed under section 5 or 6.5 of this chapter.

SECTION 6. IC 36-8-16-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. An ordinance adopted under section 5, 6.5, 7, or 8 of this chapter takes effect on the first day of the second month after the month during which the ordinance is adopted.

SECTION 7. IC 36-8-16-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) The person who uses an exchange access facility is liable for the monthly enhanced emergency telephone system fees, if any, imposed with respect to that facility. Each service supplier shall, on behalf of the unit, collect the fee from those service users to whom it provides exchange telephone service in the unit. The service supplier shall collect the fee, for each

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month or part of a month an exchange access facility is in service, as part of its normal monthly billing process, and it may list the fee as a separate entry on each bill. If a service supplier receives a partial payment from a service user, the service supplier shall apply the payment against the amount the service user owes the service supplier first.

(b) During January of each year, each service supplier that is required to collect the fee for a particular unit shall provide the treasurer of the county or the fiscal officer of the municipality with a delinquent fee report. In a county having a consolidated city, each service supplier that is required to collect the fee shall provide the delinquent fee report to the fiscal officer of the consolidated city. On the report, the service supplier shall list the name and address of each service user who is two (2) or more months delinquent in paying the fee. The service supplier shall also indicate the amount of delinquent fees for which each person included on the list is liable.

(c) A service supplier has no obligation to take any legal action to enforce the collection of the fees for which any service user is liable. However, an action may be initiated by the unit that imposed the fees.

(d) Notwithstanding section 5 or 6.5 of this chapter, if:

~~one~~ (1) **an enhanced emergency telephone system provided by a county serves exchange access facilities in more than one (1) located outside the county, the fiscal body of the county that provides the system may adopt an ordinance imposing the enhanced emergency telephone system fee imposed by the county under section 5(a) of this chapter, if any, on each person who uses an exchange access facility served by the system; and**

(2) a PSAP operated by a second class city described in section 6.5(a) of this chapter serves exchange access facilities located outside the county in which the second class city is located, the fiscal body of the second class city may adopt an ordinance imposing the countywide fee imposed by the second class city under section 6.5 of this chapter, if any, on each person who uses an exchange access facility served by the PSAP.

~~The~~ **A fee may be imposed under this subsection without regard to whether the service user resides in the county or second class city providing the system service.**

(e) Before an enhanced emergency telephone system fee may be imposed on a service user who resides ~~in a county other than~~ **outside** the county:

(1) providing the system, in the case of a county seeking to

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impose a fee under subsection (d)(1); or
(2) in which the second class city is located, in the case of a
second class city seeking to impose a fee under subsection
(d)(2);

the fiscal body of the county ~~providing the system~~ **or second class city seeking to impose the fee** must obtain the written approval of the fiscal body of each county in which residents will be subject to the fee. A person who uses an exchange access facility is liable for the monthly enhanced emergency telephone system fee imposed with respect to the exchange access facility **under subsection (d).**

SECTION 8. IC 36-8-16-14, AS AMENDED BY P.L.104-2006, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) The emergency telephone system fees shall be used only to pay for:

- (1) the lease, purchase, or maintenance of enhanced emergency telephone equipment, including necessary computer hardware, software, and data base provisioning;
- (2) the rates associated with the service suppliers' enhanced emergency telephone system network services;
- (3) the personnel expenses of the emergency telephone system;
- (4) the lease, purchase, construction, or maintenance of voice and data communications equipment, communications infrastructure, or other information technology necessary to provide emergency response services under authority of the unit imposing the fee; and

(5) an emergency telephone notification system under IC 36-8-21. The legislative body of the unit may appropriate money in the fund only for such an expenditure.

(b) This subsection applies to a county that:

- (1) imposes a fee under section 5 of this chapter; and
- (2) contains a municipality that operates a PSAP (as defined in IC 36-8-16.5-13).

Not later than January 31 of each year, the county fiscal body shall submit to each municipality described in subdivision (2) a report of all expenditures described in subsection (a) paid during the immediately preceding calendar year.

(c) This subsection applies to a second class city that imposes a countywide fee under section 6.5 of this chapter. Not later than January 31 of each year, the fiscal body of the second class city shall submit to the county a report of all expenditures:

- (1) that are described in subsection (a); and**
- (2) that are paid by the second class city during the**

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1 immediately preceding calendar year to operate the second
 2 class city's PSAP in the county.

3 SECTION 9. [EFFECTIVE UPON PASSAGE] (a) This SECTION
 4 applies to any arrangement or agreement:

5 (1) that is entered into or otherwise observed by a county and
 6 a second class city in the county before the effective date of
 7 this SECTION; and

8 (2) that provides for the operation of an enhanced emergency
 9 telephone system within the county;

10 including any arrangement or agreement under which the second
 11 class city operates a PSAP (as defined in IC 36-8-16.5-13) that
 12 serves one (1) or more areas in the county that are outside the
 13 second class city.

14 (b) Notwithstanding IC 36-8-16-5(b), as amended by this act, an
 15 arrangement or an agreement described in subsection (a) remains
 16 valid and enforceable after the effective date of this SECTION,
 17 until the arrangement or agreement is:

18 (1) terminated by one (1) or more of the participating units;
 19 or

20 (2) modified by or replaced with an agreement described in
 21 IC 36-8-16-5(b), as amended by this act.

22 SECTION 10. [EFFECTIVE UPON PASSAGE] (a) This
 23 SECTION applies to a second class city described in
 24 IC 36-8-16-6.5(a), as added by this act.

25 (b) As used in this SECTION, "fee" refers to an enhanced
 26 emergency telephone system fee that may be imposed by:

27 (1) a county; or

28 (2) a municipality;

29 under IC 36-8-16, as amended by this act.

30 (c) Notwithstanding IC 36-8-16-6.5, as added by this act, a
 31 second class city to which this SECTION applies may, at any time
 32 before, on, or after July 1, 2007, adopt an ordinance to impose a
 33 countywide fee under IC 36-8-16-6.5, as added by this act.

34 (d) An ordinance adopted by a second class city before July 1,
 35 2007, takes effect on the later of:

36 (1) the first day of the second month after the month during
 37 which the ordinance is adopted, in accordance with
 38 IC 36-8-16-9, as amended by this act; or

39 (2) July 1, 2007.

40 (e) An ordinance adopted by a second class city on or after July
 41 1, 2007, takes effect on the date specified in IC 36-8-16-9, as
 42 amended by this act.

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- 1 (f) This SECTION expires January 1, 2008.
2 SECTION 11. An emergency is declared for this act.

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